

AMENDED IN ASSEMBLY APRIL 27, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2524

Introduced by Assembly Member Evans

February 19, 2010

An act to amend, repeal, and add ~~Sections 9002 and~~ *Section* 9004 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2524, as amended, Evans. Elections: initiative measures.

Under existing law, a petition for an initiative or referendum measure may not be circulated for signature until a draft of the measure is submitted to the Attorney General for preparation of a circulating title and summary.

This bill would revise this procedure on July 1, 2011. The bill would require the Attorney General, before preparing a circulating title and summary for an initiative measure, to forward it to the Secretary of State. The bill would require that the Secretary of State post the measure on his or her Internet Web site for a period of 30 days, during which the public would be permitted to post comments concerning the measure. The bill would permit the proponents of the measure, no earlier than 30 days or more than 120 days after it is posted, to direct the Attorney General, in writing, to prepare a circulating title and summary of the measure as originally drafted, to prepare a circulating title and summary of a revised measure, or to post a revised measure on the Secretary of State's Internet Web site for an additional 30-day review period.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 9002 of the Elections Code is amended~~
2 ~~to read:~~

3 ~~9002. (a) The Attorney General shall provide a copy of the~~
4 ~~title and summary to the Secretary of State within 15 days after~~
5 ~~receipt of the final version of a proposed initiative measure, or, if~~
6 ~~a fiscal estimate or opinion is to be included, within 15 days after~~
7 ~~receipt of the fiscal estimate or opinion prepared by the Department~~
8 ~~of Finance and the Joint Legislative Budget Committee pursuant~~
9 ~~to Section 9005. If during the 15-day period the proponents of the~~
10 ~~proposed initiative measure submit amendments, other than~~
11 ~~technical, nonsubstantive amendments, to the final version of the~~
12 ~~measure, the Attorney General shall provide a copy of the title and~~
13 ~~summary to the Secretary of State within 15 days after receipt of~~
14 ~~the amendments.~~

15 ~~(b) The amendment must be submitted with a signed request~~
16 ~~by all the proponents to prepare a circulating title and summary~~
17 ~~using the amended language.~~

18 ~~(c) The amendment must be submitted to the Attorney General's~~
19 ~~Initiative Coordinator located in the Sacramento Attorney General's~~
20 ~~Office via United States Postal Service, alternative mail service,~~
21 ~~or personal delivery. Only printed documents will be accepted;~~
22 ~~facsimile or e-mail delivery will not be accepted.~~

23 ~~(d) This section shall become inoperative on July 1, 2011, and,~~
24 ~~as of January 1, 2012, is repealed, unless a later enacted statute,~~
25 ~~that becomes operative on or before January 1, 2012, deletes or~~
26 ~~extends the dates on which it becomes inoperative and is repealed.~~

27 ~~SEC. 2. Section 9002 is added to the Elections Code, to read:~~

28 ~~9002. (a) The Attorney General shall provide a copy of the~~
29 ~~title and summary to the Secretary of State within 15 days after~~
30 ~~receipt of the final version of a proposed initiative measure, or, if~~
31 ~~a fiscal estimate or opinion is to be included, within 15 days after~~
32 ~~receipt of the fiscal estimate or opinion prepared by the Department~~
33 ~~of Finance and the Joint Legislative Budget Committee pursuant~~
34 ~~to Section 9005. If during the 15-day period the proponents of the~~
35 ~~proposed initiative measure submit amendments, other than~~
36 ~~technical, nonsubstantive amendments, to the final version of the~~
37 ~~measure, the Attorney General shall provide a copy of the title and~~

1 summary to the Secretary of State within 15 days after receipt of
2 the amendments.

3 (b) ~~The amendment must be submitted with a signed request~~
4 ~~by all the proponents to prepare a circulating title and summary~~
5 ~~using the amended language.~~

6 (c) ~~The amendment must be submitted to the Attorney General's~~
7 ~~Initiative Coordinator located in the Sacramento Attorney General's~~
8 ~~Office via United States Postal Service, alternative mail service,~~
9 ~~or personal delivery. Only printed documents will be accepted;~~
10 ~~facsimile or e-mail delivery will not be accepted.~~

11 (d) ~~The proponents shall include, with the signed request,~~
12 ~~payment of a two hundred dollar (\$200) fee, which the Attorney~~
13 ~~General shall place in a trust fund in the office of the Treasurer.~~
14 ~~The fee shall be refunded to the proponents if the measure qualifies~~
15 ~~for the ballot within two years from the date the Attorney General~~
16 ~~furnishes a summary to the proponents. If the measure does not~~
17 ~~qualify within that period, the fee shall be immediately paid into~~
18 ~~the General Fund of the state.~~

19 (e) ~~This section shall become operative on July 1, 2011.~~

20 ~~SEC. 3.~~

21 *SECTION 1.* Section 9004 of the Elections Code is amended
22 to read:

23 9004. (a) Upon receipt of the text of a proposed initiative
24 measure, the Attorney General shall prepare a circulating title and
25 summary of the chief purposes and points of the proposed measure.
26 The circulating title and summary shall not exceed a total of 100
27 words. The Attorney General shall also provide a unique numeric
28 identifier for each proposed initiative measure. The circulating
29 title and summary shall be prepared in the manner provided for
30 the preparation of ballot titles and summaries in Article 5
31 (commencing with Section 9050), the provisions of which, in
32 regard to the preparation, filing, and settlement of ballot titles and
33 summaries, are hereby made applicable to the circulating title and
34 summary.

35 (b) The Attorney General shall provide a copy of the circulating
36 title and summary and its unique numeric identifier to the
37 proponents and to the Secretary of State within 15 days after receipt
38 of the fiscal estimate or opinion prepared by the Department of
39 Finance and the Joint Legislative Budget Committee pursuant to

1 Section 9005. The date the copy is delivered or mailed to the
2 proponents is the “official summary date.”

3 (c) Upon receipt of the circulating title and summary from the
4 Attorney General, the Secretary of State shall, within one business
5 day, notify the proponents and county elections official of each
6 county of the official summary date and provide a copy of the
7 circulating title and summary to each county elections official.
8 This notification shall also include a complete schedule showing
9 the maximum filing deadline, and the certification deadline by the
10 counties to the Secretary of State.

11 (d) This section shall become inoperative on July 1, 2011, and,
12 as of January 1, 2012, is repealed, unless a later enacted statute,
13 that becomes operative on or before January 1, 2012, deletes or
14 extends the dates on which it becomes inoperative and is repealed.

15 ~~SEC. 4.~~

16 *SEC. 2.* Section 9004 is added to the Elections Code, to read:

17 9004. (a) (1) Upon receipt of the text of a proposed initiative
18 measure, the Attorney General shall forward a copy to the Secretary
19 of State. The Secretary of State shall post the proposed initiative,
20 including the names of its proponents, on the Secretary of State’s
21 Internet Web site for 30 days to facilitate public comment on the
22 measure.

23 (2) Any person may comment on the text of the proposed
24 initiative through the Secretary of State’s Internet Web site. All
25 comments shall be public and shall remain on the Internet Web
26 site for at least 90 days after the proposed initiative is posted.

27 (3) No earlier than 30 days or more than 120 days after the text
28 of a proposed initiative has been posted on the Secretary of State’s
29 Internet Web site, the proponents of the proposed initiative may
30 direct the Attorney General in writing to prepare a circulating title
31 and summary of the proposed initiative as originally presented,
32 prepare a circulating title and summary of the revised text, or post
33 the revised text on the Secretary of State’s Internet Web site for
34 another 30-day review period.

35 (4) The provisions of this subdivision do not apply to referendum
36 measures.

37 (b) Upon receipt of the proponent’s direction pursuant to
38 subdivision (a), or in the case of a referendum measure, upon
39 receipt of a draft of the petition, the Attorney General shall prepare
40 a circulating title and summary of the chief purposes and points

1 of the proposed measure. The circulating title and summary shall
2 not exceed a total of 100 words. The Attorney General shall also
3 provide a unique numeric identifier for each proposed initiative
4 measure. The circulating title and summary shall be prepared in
5 the manner provided for the preparation of ballot titles and
6 summaries in Article 5 (commencing with Section 9050), the
7 provisions of which, in regard to the preparation, filing, and
8 settlement of ballot titles and summaries, are hereby made
9 applicable to the circulating title and summary.

10 (c) The Attorney General shall provide a copy of the circulating
11 title and summary and its unique numeric identifier to the
12 proponents and to the Secretary of State within 15 days after receipt
13 of the fiscal estimate or opinion prepared by the Department of
14 Finance and the Joint Legislative Budget Committee pursuant to
15 Section 9005. If during the 15-day period, the proponents of the
16 proposed initiative measure submit amendments, other than
17 technical, nonsubstantive amendments, to the final version of the
18 measure, the Attorney General shall provide a copy of the
19 circulating title and summary to the Secretary of State within 15
20 days after receipt of the amendments. The date the copy is delivered
21 or mailed to the proponents is the “official summary date.”

22 (d) Upon receipt of the circulating title and summary from the
23 Attorney General, the Secretary of State shall, within one business
24 day, notify the proponents and county elections official of each
25 county of the official summary date and provide a copy of the
26 circulating title and summary to each county elections official.
27 This notification shall also include a complete schedule showing
28 the maximum filing deadline, and the certification deadline by the
29 counties to the Secretary of State.

30 (e) This section shall become operative on July 1, 2011.